

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

| | |
|----------------|-------------------------------------|
| MOTION: | |
| Granted | <input type="checkbox"/> |
| Denied | <input checked="" type="checkbox"/> |
| Overruled | <input type="checkbox"/> |
| Date | <u>Okm 4/23/09</u> |

PIKA INTERNATIONAL, INC., as
Assignee of MKM Engineers, Inc.,

Plaintiff,

vs.

AMERICAN PULVERIZER, INC.,

Defendant.

Cause No. 4:09-cv-373-TCM

MOTION TO CONTINUE

Defendant, American Pulverizer Company, moves the Court to continue the May 15, 2009 Rule 16 Scheduling Conference and the May 8, 2009 deadline for a Joint Proposed Scheduling Plan. The dates should be continued for the following reasons:

1. On April 10, 2009, Defendant filed a Motion to Disqualify Plaintiff's Counsel from representing PIKA International, Inc. in this matter due to the conflict of interest that existed for Plaintiff's counsel at the time the Complaint was filed and the potential harm that may come to American Pulverizer Company as a result of that conflict.

2. On April 14, 2009, the Court issued an Order setting a Scheduling Conference for May 15, 2009 and the May 8, 2009 deadline for a Joint Proposed Scheduling Plan.

3. Plaintiff's response to Defendant's Motion to Disqualify is due on April 17, 2009 under local rule. Defendant's reply to Plaintiff's response would be due, at the latest, on April 24, 2009.

4. While the Motion to Disqualify is pending, the Scheduling Conference and deadline for a Joint Proposed Scheduling Plan should be continued to later dates, with those dates to be determined after a ruling on the Motion to Disqualify has been reached.